

10/088388  
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PATRICIA M. VIRDEN

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Warrick Smith

International Application Nos. PCT/AU00/01116

International Filing Date: 15 September 2002

Assistant Commissioner of Patents  
Box Patent Application-FEE  
Washington, DC 20231

NATIONAL FILING

Sir:

Enclosed are the national filing materials for a filing under 35 U.S.C. 371. Please note the enclosed preliminary amendment which substitutes claims 20-38 for claims 1-19 in the International Preliminary Examination Report. Please calculate the filing fee in view of the preliminary amendment.

Respectfully submitted,

JENSEN & PUNTIGAM, P.S.

By Clark A. Puntigam

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Encls: Transmittal Letter, Preliminary Amendment PCT  
Specification, International Preliminary Examination  
Report, Check and Postcard

|   |  |   |  |  |  |
|---|--|---|--|--|--|
| FORM PTO-1190<br>(REV. 11-2000)   |  | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE |  | ATTORNEY'S DOCKET NUMBER   |  |
| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A FILING UNDER 35 U.S.C. 371</b>   |  |   |  | U.S. APPLICATION NO. (If known, see 37 CFR 1.5)<br><div style="font-size: 1.5em; font-weight: bold;">10/088388</div> |  |
| INTERNATIONAL APPLICATION NO.<br>PCT/AU00/01116   |  | INTERNATIONAL FILING DATE<br>15 Sept. 2000 (15.09.00)   |  | PRIORITY DATE CLAIMED<br>15 Sept. 1999 (15.09.99)  |  |
| TITLE OF INVENTION<br>MAGNETIC HOLDING DEVICE AND METHOD  |  |   |  |  |  |
| APPLICANT(S) FOR DO/EO/US<br>Smith, Warrick   |  |   |  |  |  |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:   |  |   |  |  |  |
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))           <ol style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (unsigned)</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> <p style="margin-top: 10px;">Items 11 to 20 below concern document(s) or information included:</p> <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li>14. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input checked="" type="checkbox"/> Other items or information: The international preliminary examination report<br/>IPEA/AU</li> </ol> |  |   |  |  |  |

|   |              |              |           |                               |                                  |                          |  |
|---|--------------|--------------|-----------|-------------------------------|----------------------------------|--------------------------|--|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.53) <b>10,000,588</b>  |              |              |           | INTERNATIONAL APPLICATION NO. |                                  | ATTORNEY'S DOCKET NUMBER |  |
| <b>21. <input checked="" type="checkbox"/> The following fees are submitted:</b><br><b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b><br>Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... <b>\$1000.00</b><br>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$860.00</b><br>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$710.00</b><br>International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$690.00</b><br>International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$100.00</b><br><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b> |              |              |           |                               | <b>CALCULATIONS PTO USE ONLY</b> |                          |  |
|   |              |              |           |                               |                                  |                          |  |
| Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).  |              |              |           |                               | \$ 1000                          |                          |  |
|   |              |              |           |                               | \$ 130                           |                          |  |
| CLAIMS  | NUMBER FILED | NUMBER EXTRA | RATE      | \$                            |                                  |                          |  |
| Total claims  | 19 - 20 =    | 0            | x \$18.00 | \$ 0                          |                                  |                          |  |
| Independent claims  | 3 - 3 =      | 0            | x \$80.00 | \$ 0                          |                                  |                          |  |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)   |              |              |           | + \$270.00                    |                                  | \$ 0                     |  |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |              |              |           | \$ 1130                       |                                  |                          |  |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.   |              |              |           | + \$ 565                      |                                  |                          |  |
| <b>SUBTOTAL =</b>   |              |              |           | \$                            |                                  |                          |  |
| Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |              |              |           | \$                            |                                  |                          |  |
| <b>TOTAL NATIONAL FEE =</b>   |              |              |           | \$                            |                                  |                          |  |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +  |              |              |           | \$                            |                                  |                          |  |
| <b>TOTAL FEES ENCLOSED =</b>  |              |              |           | \$ 565                        |                                  |                          |  |
|   |              |              |           | Amount to be refunded:        |                                  | \$                       |  |
|   |              |              |           | charged:                      |                                  | \$                       |  |
| a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>565</u> to cover the above fees is enclosed.<br>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.<br>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>07-1900</u> . A duplicate copy of this sheet is enclosed.<br>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.  |              |              |           |                               |                                  |                          |  |
| NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.<br>SEND ALL CORRESPONDENCE TO:<br><div style="text-align: right; margin-top: 20px;"><u>Clark A. Puntigam</u><br/>SIGNATURE<br/><u>Clark A. Puntigam</u><br/>NAME<br/><u>25,763</u><br/>REGISTRATION NUMBER</div>   |              |              |           |                               |                                  |                          |  |